

**Novemb. 18.** The Earles of *Homingdon* and *Marleborough* complained of their being denyed by the Kings Bench to come out of Prison, altho' they had offered Bail according to the Act of *Habeas Corpus*; the Business was referred to a Committee, who were empowered to send for Papers, Persons and Records: And the Lord *Lucas* was ordered to produce the Warrants for Commitment of both the said Earls, also the Clerk of the Kings Bench was ordered to bring to the Committee, the Affidavit of *Aaron Smith* upon which the Lords had been Remanded back to Prison.

**19.** After a very long Debate, and the Judges heard in their own defence as well as *Aaron Smith* upon Oath, which he refused to swear till the House was just going to send him to Prison: A Committee was ordered to draw up a Resolution in pursuance of the Debate, and to present it to the House to-morrow morning, and *Aaron Smith* also to attend, and no other business whatsoever to intervene.

**20.** Upon the Report from the Committee, there was another long Debate, which was at last adjourned again till to-morrow, and all the Judges Ordered to attend.

**21.** Upon the Earle of *Scarisdale's* Complaint that his House had been searched, the Messenger being ask'd who did it, was ordered to send the Original Warrant by vertue of which he had done it, and the Business of the three Lords was referred to a Committee of the whole House, the Judges to attend, and nothing else to intervene.

**22.** Resolved in the Committee of the whole House, That whereas by the Statute 21 Ch. 2. commonly called the *Habeas Corpus* Act, All Judges and Justices, &c. 'tis now resolved and declared by this House, that it is the duty of all the Judges and Justices of Oyer and Terminer, and general Gaol-Delivery, in pursuance of the said Act, to set at Liberty the Prisoner on Bail if Committed for High Treason, unless it be made appear upon Oath that there are two Witnesses against the said Prisoner, who cannot be produced in that Term, Sessions, or General Gaol-Delivery: And 'tis hereby further resolved, that in case there shall be more then one Prisoner to be Bailed or Remanded, 'tis the intention of the said Statute, that there must be Oath made that there are two Witnesses against each of such Prisoners, in order to remand them to Prison respectively.

And this Resolution was Ordered to be Recorded in the Books of this House, as a Direction to all Judges for the future, and to prevent all excuse for any such Illegal Proceedings for the future.

Upon a long Debate about the manner of freeing the several Lords from their Bail before this House would go upon any other Business whatsoever, to prevent it a notice was intimated from the King that he would cause their bail to be immediately discharged at which the House adjourned for two days that he might have time to do so before they sat again they being engaged upon no other Business till that was not only promised but executed.

The House was informed by the Lords concerned that their Bail was discharged and as soon as ever they had so signified the House they fell to other Business.

The House appointed a Committee to draw a Return of Thanks for the Kings Speech, which had never yet been so much as taken notice of because of this Business of the Lords, and it was agreed only that a handle might be taken for giving Advice to the King, to which something in his Speech seemed to invite the Lords, and the Address was Penn'd soon purpose to thank him, for the invitation for the Lords found themselves engaged in the Advice before some of them were well advised.

After having late many days under great Controversies about giving advice, it was Resolved, first that the King should be advised to give the chief Command of the English Forces to some man who is not a Subject born in his Majesties Dominions.

And that Mr. *Masham* should bring a List of all the General Officers and Troopes upon the

And that the Chief Officers of the Ordnance shall send a List of all Officers belonging to the same, as also an Account of the Stores, and what hath been delivered out these two last years. And that the Keeper of the Paper-Office in *Whitehall* send the Capitalation made between the *English* and *Dutch* in 1674.

29<sup>th</sup>. Ordered, that the Commissioners of the *Admiralty* shall send all such Orders and Letters, and Instructions as were sent to the *Admiral* last Summer, and Particularly those which relate to the *Descent*, and the Answers thereunto, and also Copies of such Letters or Orders as have been sent by the Commanders in Chief to Inferior Officers, in Relation to the intended *Descent*, or to the pursuit after the Fight at Sea. That the Commissioners for the *Treasure* send an Account of all they have done concerning these Matters. That the King be desired to direct, that all the Orders and Papers sent by the *Privy Council*, or by the Secretary of State, relating to the last Summers Expedition at Sea, and the full account of all the Transactions be laid before this House, and Particularly all such Orders and Papers as relate to the intended *Descent*.

30<sup>th</sup>. The King sent Word that he had directed it accordingly: The Commissioners of Accounts Establish'd by Parliament were ordered to send them in, Signed by five of them at the least, and they were sent in accordingly.

*Decemb. 1<sup>st</sup>*. The Officers of the Ordnance were ordered to bring an Abstract of the Stores two Years ago, and what hath been delivered out Since, and to put under the Name of every Species the Summe total, as well of the Issues, as of what remains. And to send a List of all the Foreigners upon their Establishment, or employed by them, and in what Places.

6<sup>th</sup>. The Earle of *Nottingham* brought in those Papers from the King, which being Read,

7<sup>th</sup>. There arose a long Debate about a Motion for having a Committee of both Houses sit together, in order to the better Examination of the last Years Miscarriages, the Question being carried by a very few Votes in the Negative: The other Lords Assented the following Proposition, and entred it under their own Hands in the Books of the House.

A Proposition against the Vote that refused to agree that a Committee of both Houses should sit together.

First, Because his Majesty having particularly, and expressly desired the Advice of his Parliament at this time when he so much seems to need it; no other Methods was, nor in our Opinions could be proposed, by which the two Houses might so well and so speedily be brought to that concurrence which is necessary to render their Advice Effectual.

2<sup>dly</sup>. Because it appears by some Papers already imparted to this House, that several Members of the House of Commons are concern'd in the Matters before us, as having been formerly employed in his Majesties Service, and we conceive it the easiest, properest, and fairest way of Communication between the two Houses, to have so great and important Business transacted, and prepared in a Committee so chosen.

3<sup>dly</sup>. Because it cannot be expected that so many Members of the House (from whom we shall need Information, can in any other manner be here present so often, and with the leave of their House) as will be necessary for a sufficient Enquiry into the several Matters now under Consideration.

4<sup>thly</sup>. Because, if the House of Commons intend also to give Advice to his Majesty, tis very probable that both Houses of Parliament may receive such Information severally as well be thought fit to be communicated as soon as possible, and we conceive no way of doing this can be so proper, or speedy, as in a Committee of both Houses.

5<sup>thly</sup>. Because in a time of such imminent Danger to the Nation by reason so many Miscarriages as are supposed generally to have been committed, the closest and strictest Union of both Houses is absolutely necessary to redeem us from all that Ruine which we have too much cause to fear is coming upon us.

*Decemb. 8<sup>th</sup>*. The Earle of *Nottingham* brought his own Book of Entries, with Mr. *Ruffels* Le

ers, and Copies of his own to Mr. *Russel*, of all which a List was taken, and all of them referred to a Committee.

9<sup>b</sup>. Another Committee appointed to examine what way might be found for the House to speak with a Member of the *House of Commons*, or to have him before a Committee.

10<sup>b</sup>. Sir *John Ashby* was examined at the *Bar*, then it was reported from the Committee, that they had found an Expedient, which was Debated, and at last resolved on.

And another Committee ordered to prepare something to be delivered at a Conference, together with all the Letters, &c.

11<sup>b</sup>. The Lord *President* ordered to deliver the Papers, &c. And to say as followeth, *We by Command of the House of Commons are often mentioned in the said Papers, from whom possibly you may be since particularly informed of the Matters contained in them.*

12<sup>b</sup>. The *House of Commons* at another Conference told the *House of Lords*, that they had read and well considered those Papers which they had sent them, and finding Mr. *Russel* a Member of their House often mentioned in them, the *Commons* unanimously came to this Resolution: That *Admiral Russel* in his Command of the *Fleet* during the last Summers Expedition, has behaved himself with Fidelity and Conduct.

13. A Committee to inspect the Books in relation to a true Conference, and particularly whether there have been any free Conferences desired with the *Commons*, when the Houses did not disagree.

14<sup>b</sup>. Reported from that Committee that they had found some Presidents for it as followeth.

Aug. 9<sup>th</sup>. 1660. The *Commons* desired a Conference about a Business of great Importance, without any Disagreement. Aug. 13. 1660. The *Lords* desired a Conference about the same Business without any Disagreement.

Sept. 1. 1660. A Free Conference was desired by the *Commons* upon the same Subject still, without any Disagreement.

July 29. 1660. A free Conference was desired by the *Lords* about the same Bill, without Disagreement, and another Conference was desired by the *Commons* the same day.

After a long Debate, another Committee was appointed to inspect Presidents, whether the Resolution of the *House of Commons* delivered at the last Conference, be according to the usual Proceedings of *Parliament*, and to consider of Heads to be delivered at a free Conference on this Subject.

15. The Question was put, whether the Bill for impartial Proceeding in *Parliament* should be committed, and it was carried in the Affirmative by 15 Votes: Then it was put whether they should now proceed upon it, and it was carried in the Negative.

16. A Free Conference desired by the *Lords*, who told the *Commons* that their House communicating to the *House of Lords* at a Conference, a Vote of theirs upon Matter of Fact only, without giving any Reasons for it, is not according to the usual Proceedings in *Parliament*, and to assure it seems they took patiently, and without making the least reply.

17. Names of those Lords who Signed the several Protestations with Reasons in this Session of *Parliament*, which Names under their own Hands, together with the Reasons in the Publick Book of that House.

*Warrington. Thanet.*  
*Denbeigh. Alisbury, &c. to the number of 40.*

An Account relating to some of the Affairs in *Ireland*, given by Mr. *Stearns*

To the Right Honourable the Lords Spiritual and Temporal in *Parliament* Assembled.

In Obedience to your Lordships Commands, I humbly give this Account of some things I have seen and Observed, or credibly heard of the Affairs of that Unfortunate Kingdom.



Out of which, by your Lordships direction, I shall omit many other things which I have only by Informations. Tho' I believe the same may be well proved, concerning the State and Affairs of that Kingdom. And if this shall be of any publick Service either to this, or that Kingdom, I shall reckon it more than a reward sufficient to repair any Injury can be done me on this account.

It was in *August* last I went into *Ireland*, partly on own private Business, and partly to settle some Affairs relating to my Lord *Lisburn*, who had left me one of his Executors and Trustee of his Estate, and being there, was chosen a Member of the *House of Commons*, which was the chief occasion of my seeing or observing what I did on this unfortunate Subject.

1. One of the great Grievances, and that which is most immediately felt by the Subjects there I take to be that the Army there have not been better pay'd, and that by reason thereof since the War ended they have been contrary to known Laws (as they said for want of Pay and Subsistence) in many places of that Kingdom necessitated often to take free Quarter, not only for Meat and Drink and Lodging, but to supply themselves with Cloaths and other necessaries have Taxed, exacted, and received from the Country, great Sums of Money, and where the same was not paid, in many places distrained for the same. Of which I heard many Complaints, and that few or none could ever get any Redress. And on that account I believe there is due to the Country above 200000 *l.* which hath tended to the ruine of many Persons and Families there. And if this were an end of it, that which is past might be the easier forgot. But as I am credibly informed by the late Accounts from thence, Free Quarters, and taking the Subject is in divers places continued to this time, or some few Weeks since: And if not prevented for the future by the better Pay and Order of the Army, may tend to the great impoverishment and destruction of that Kingdom. Yet I am not surprized it should be so, for it was publicly told us in the *House of Commons*, as I remember by Mr. *Polurney* and Mr. *Davis*, concerned in or about the Government there, that unless we would pass the Money Bills as brought from the Council Board, the Army would take Free Quarter, or to that effect. But as appears to me there is the less Necessity for it now (were the publick Money rightly applied) for that as Mr. *Polurney* brought the Papers from the *Lord Lieutenant* to the *House of Commons*, considering the List of the Civil and Military Establishment of *Ireland*, which was so far from being under-rated, that it was observed that the Abatement might reasonably be made therein, in such a time of Distress as this is there: And considering likewise the Calculations of the Revenue, which, by what I have heard from those well skill'd therein, I do believe was at a great undervalue; yet to supply the defects thereof, and to support the Expence of the Government, there, the Sum demanded was no more than 700000 *l.* to discharge all taxes on the Supply, whereof a Bill has pass'd for an Additional *Excise* on Beer, Ale and other Liquors, which at a very moderate, and one of the lowest computations, I heard was reckoned at 300000 *l.* and others computed it at far more, and the rest was intended to be supplied by a *Parliament* the Parliament had not been Prorogued before they had time to do it.

I have heard many Complaints of the Misapplications and Embezzlements of the Real and Personal Forfeited Estates, wherewith the People found themselves the more sensibly grieved, for that when the Money was wanting to support the Expence of the Government, the Parliament were called upon to make it good, and therefore this was Voted to be a great Grievance. Pursuant to that Vote the *Committee of Grievances* began to enter upon particular Inquiries of the Revenue and Forfeited Estates: And the first Man I remember fell in their way was Mr. *Callisford*, who being acquainted that he stood charged with the taking into his Custody several forfeited Goods, and the Disposing thereof to his own Use, when he was one of the *Commissioners of the Revenue*, he told the *Committee* that he was a Member of the *Parliament of England*; and tho' he was willing to waive his own Privilege, yet the privilege of the *House of Commons* in *England* might be concerned therein, which he offered to their Consideration, or to that effect. And the Debate thereof was afterwards Adjourned by the House, and never de-



terminated for or against his Privilege, but to prevent the loss of the Testimony, Witnesses were Examined there, and by what had passed before here at the Treasury against him, and what was there, I think it plainly appeared, and of the same Opinion seemed generally the rest of all who heard it examined, that he was guilty of very great Breaches of Trust when he was one of the Commissioners of the Revenue, by seizing and converting to his own use, Forfeited Goods of considerable value, and by letting or procuring Leases in trust for himself, of the Mills and Weirs of *Kilmainham*, Mr. *Kerefs* Estate, the Cranage and Wharfage of *Cork*, which as of late exacted, was affirmed in proof by persons of Credit there, to be a new Exaction, and upon the Merchants first set up by his own Means. And Mr. *Warren* of *Cardiffs* Estate of considerable yearly value, at very inconsiderable Rents: To which he added the Estate of one Mr. *Sweetman* adjacent to him, who had been under some prosecution or accusation for the Murder of some Soldiers near *Dublin*, and became Mr. *Callefords* Tenant for his own Estate, and was never after prosecuted as I heard of.

The Committee of the Commons were likewise upon inquiries of other Leases let at great under-values, and about 130000 *l.* or more said to be return'd by the Commissioners of the Forfeit Personal Estates to the Commissioners of the revenue, of which it was believed a small Account had been made to their Majesties, and had several Papers and Books brought before the Committee, which were as seemed to me so general by confused and imperfect, that they could not make a full Discovery thereby. And were likewise upon another Inquiry after other Imbezilments of the Revenue and Forfeitures, but were Prorogued before they could arrive at the same. Divers other ways there are of lessening the Forfeitures, as by reversing of Outlawries, and thereby the former Proprietors restored, and some of them, as credibly said, not within any Articles, but what they made for themselves, since the War ended, and also by Grants, or promises of Grants to the Lord *Sidney*, Lord *Athlone*, Lord *Coningsby* and others to that Degree, that by a late credible Account I have from *Ireland*, there remains little or nothing of the clear Forfeitures but what is pitched upon, or in a way of Grant to some Great Person.

It was much complained of, the suffering so many Papists to keep Arms, and many of them to be in the now standing Army, of which the Members of the House from their several Countries gave many Accounts: and the *House of Commons* had that apprehension thereof, and that the same might greatly indanger the Government, that they sent to the Lord *Lieutenant* for remedy thereof or to that Effect, which his Excellency said he would take care to do, as his answer was reported to the House, or to that effect.

And there was likewise a general Complaint, and Account thereof given to the House or Committee of the House, of hindring the Protestants from their due course of Law against the Papists, and illegal Protections granted to the Papists, of which there were instances given, and when the Reason was asked why so many, or such persons should be Protected, it was publicly answered by the said Mr. *Davies*, who as was said had a hand in making the same out, that it might be *A cana Imperii*, and not fit to be told, or to that effect.

But that which I apprehend to the greatest discouragement of all to the Protestants, and Encouragement to the Papists, is the manner of Proroguing the *Parliament*, and what hath happened since that time.

I think I may without flattering of them say, that there never was a *House of Commons* of that Kingdom of better Value than they generally were, either for their Estates, or the sincerity of their Principles, to the *English Protestant Interest*, and who on occasions expressed the grateful sense they had of the great kindness of this Kingdom many ways expressed towards them for their relief in their distress. We received the Lord *Lieutenant's*

first Speech with great joy, for thereby he told us, that he had their Majesties Commands to call us, as the greatest demonstrations they could give of their Affections to us, who had suffered so many great Oppressions almost to an utter desolation of the Country. And could not be so well settled as by a *Parliament*, which he said was a blessing that for so many Years we had been deprived of, whereby the Interest had been in danger of losing not only their Religion, but all that property with which so great expence of Blood and Treasure they had purchased. And therefore he doubted not but we would make use of it to pass such Laws as might tend to the firm settlement of the Country upon a Protestant Interest; And that He was ordered by their Majesties, to assure us, that nothing should be wanting on their Parts that might contribute to our lasting or perfect Happiness, as among other things does in his Speech appear, or to that effect.

This was thought all very good, and very true; For my Lord Cook in his 4th. *Institutes*, mentions the Law of *Edw. 2. de Parliamentis tenendis singulis annis in Hibernia, & de legibus & consuetudinibus ibidem emendandis*, which was so far observed, that from the 7th. of H. 6. which was about 200 and odd Years before the last Parliament in 1665. there were in all above 50. Sessions of Parliament, and most of them were new Parliaments. But from the time of the last Parliament till now, they had contrary to the said Law as I conceive, an Interval of about 27 Years, in which time I fear may too easily be made appear there had grown over the Kingdom several Arbitrary Powers, and Jurisdictions, Oppressions and Grievances, besides that we wanted many good Laws which had been made in this Kingdom, and were as I thought as much wanted, tho' not of force there, and now we hoped to redress all.

But tho' the Matter of money came towards the last in the Speech, it came among the first of the Business, and was readily embraced by the *Commons*, and when my Lord Lieutenant sent the Civil and Military Lists, together with their own Computation of what the Revenue might yield, Mr. Poulney proposed only the Sum of 70000*l.* as what would be wanting to support the Government, and tho' it be almost incredible to any body who has not been there, to believe the great wastes and Poverty which generally reigns throughout the Kingdom, save in some parts of the North, and in and about *Dublin*, and a few other Towns which are better then the rest; yet the *Commons* were resolved to bear any thing they could rather than be further burthensome to this Kingdom; And therefore Voted a Sum not exceeding 70000*l.* and spent some time in finding the ways and means how to do it with the greatest ease to the Country. But thereafter were brought to us (by Mr. Poulney as I think) two Bills which had been prepared by the Council Board, the one for the said Additional Excise, which was pretty well liked for its substance, and the other as was said for a Charge of 15 *d. per Acre* on all Corn in the Kingdom, which was thought very unequal in it self, there being very great differences of Corn, and of the several sorts, and the Grasers and Traders greatly escaping the Tax of so many People starving for want of Bread. It was thought strange by some, why these Bills should have been kept from us so long, to let us spend so much time as aforesaid; after they were rendered it was greatly disliked that the Privy Council should prepare Money Bills, before the Heads of them were first found and prepared by the *Commons*. And here I would undeceive any of your Lordships who have been told that we intended by that or any other proceeding to avoid *Poyning's Law*, being the 10th. of H. 7. And thereby make our selves independant as they call on this Kingdom. For what we did was to assert the *Commons* having the sole Right of first finding or proposing the Heads of Bills for raising Money; and that when the *Commons* had proposed them to the Council Board, the Council Board should draw them into Bills, and transmit them into *England*, to be transmitted back according

ding to the Method of *Peynings Law*; which Vote was made on the 27th. of *Octob.* and 7 days after that we were prorogued, and the Cause assign'd by his Excellencies last Speech of the 3d of *Novem.* for his displeasure against us was Printed, is that he is troubled that we who had so many Obligations to be Loyal and Dutifully Affected to their Majesties, should so far mistake our selves as to intrench upon their Majesties Prerogative and Rights of the Crown of *England*, as we had done by our said Vote of the 27th of *October*, and of the subsequent Vote of rejecting a Bill Entituled, *An Act for granting to their Majesties certain for one year*, which was the Corn Bill, because it had its rise first from the *Commons*, and therefore he requires his Protest against those Votes to be entred in the *Lords Books*, or to that effect, and so Prorogued we were to the 6th. of *April*.

It was thought by many Members there present, that his Excellency had said we had behaved our selves undutifully, & ingratelously in invading their Majesties Prerogative and to that effect; and if they were in a mistake, I confess I was in the same; but I find little difference in my apprehensions between those Words, and the meaning of the said Expressions in the Printed Speech; However this was very unkindly taken, and thought strange that this should be the cause of our parting in that manner, considering first, for that the Reasons appeared, as was generally thought, for the right of the Vote to be with us. In that I think no body can reasonably deny but that *Peynings Act* was not intended to devest the *Commons* of that Original Right, but that it was designed chiefly to prevent the danger of an *Irish Interest*, being too prevalent with a Chief Governor there, to the prejudice of the *English*. And the same reason which was before the Act for the *Commons* to begin Money Bills still remains that they are presumed to know better than the Council what Money the Country is able to bear, and how it may best be raised, with ease to the Subject. But that was not much insisted on in the Case, For that we proposed only to pursue *Peynings Act* as aforesaid, and having also the Act of the 3d. and 4th. *Pl. and Mar.* Explicatory thereof, and finding the Reasons as to most of us seemed, with us, we inspected the Journals of the House, and tho' perhaps some time upon an Emergency, and for an Expedition this Right might be Overlookt for a time yet.

Hereupon it seemed after the Debate to be the general Opinion of the House that Right was for us, but it was much pressed that for supply of the present Necessity of the Government, we should pass these two Bills with a *salvo* to our Right, which was not at first well liked by some, Namely Mr. *Hamilton of Baltimore*, my self, and others, who thought it no good Expedient to yield the Right, and have only a *salvo* for it, the rather for that we were ready to have come if we had been called sooner, and were now desirous to stay till we might raise the Money in our own way: And so we might have some of our other Laws go hand in hand with the Money Bills, whereas the other way the Money would be given, & the Laws might be left behind; However an Expedient and the present giving some Money was so earnestly pressed, that the House for ought appeared, became all unanimous in what was done, that is, in passing the *Excise Bill*, which was to raise the ready Money, with a Declaration that it was only for this time, and should be never drawn again into President, and by asserting the Right by the said vote, and by rejecting the Corn Bill for the same reason of not having its first rise from the *Commons*, which was all done, and was by many reckoned a great compliance, and not doubted but it would be pleasing to his Excellency. For this last Expedient was particularly proposed and prosecuted, as I was credibly informed by *Brodrick* by some of the Privy Council, as Col. *Cook* who had frequent Access to his Excellency, and seemed to understand his mind and think it appears by the votes that they passed *Nemine contra dicente* on this Matter.

It was yet the stranger to many of us, because Sir *Cyril Wyche* on Wednesday 2d. of *November*,



member, reported from his Excellency to the House, that he had heard a good Character of Dr. Warkington the Chaplain of the House, but being recommended by the House to his Excellency, he would on that account take more care of him. And so on other Occasions his Excellency was pleased to return very good Answers to the Addresses of the House. And farther the same day, *Wednesday* the 2d. *Novem.* He reported from his Excellency, that he had appointed *Friday* next for the Committee to attend him in Council, with the Heads of the new Laws we had prepared, which made many of us think that his Excellency had not then resolved to Prorogue us on *Thursday*, which was the only intervenient day, however it was done on *Thursday* the 3d. & was reckoned a greater loss to us, for that the Heads of the Laws we had prepared to tender him, were of very great consequence to the Nation, viz. The Heads of *Habeas Corpus* Act, of the Act for restraining the Jurisdiction of the Council Board, of the Act against buying and selling of Offices, of the Act against Frauds and Perjuries, with several other good Laws of Force here but not there. But being Prorogued the day before, we had not the Opportunity so much as to tender them. It was only told us on the Prorogation by the Lord Chancellor, that his Excellency being informed of what Heads we intended to tender him, He would take them into Consideration, and against the next meeting of *Parliament* such of them as should be found requisite, should be in a readiness to be brought into *Parliament*. And I am now credibly informed that some of them are prepared, but the *Habeas Corpus Bill* which I value more then all the rest, I am told is to be left behind, and so is not thought requisite as I believe.

It was yet the stranger, that in these 7 dayes we had been very busy by a *Poll Bill* to raise the rest of the Money, and intended to do it sooner that way then the Corn Bill would have done, which could not be till next Harvest. And also for that we were then coming upon the more close pursuit of our Grievances, and the imbezilments of the Revenue, in which we thought we were at our Duties.

And after all this heat about (as we said) our intrenching on the Prerogative, it was considered that it was of great use to the Subject, that the *Commons* should have that right if they are willing to give the Money. It seemed to many but reasonable to let them find the easiest wayes of raising it. But on the other side, such a Prerogative as that the Council Board may first find the Ways of raising Money, I could not see of what use it could be, unless it were to occasion more heats; For the *Commons* without doubt has a *Negative Vote*, and can throw it out; besides that I could not see how this Claim comes by the name of Prerogative, which I take to be an ancient inherent Right of the Crown. But whatever can be said of this must be drawn from *Poynings Act* and the the 3d. and 4th. of *Ph.* and *Mary*, or something since *Poynings Law*.

Now for what happened since the Prorogation, many of the Members thought it very necessary to have Agents to attend their Majesties here on the behalf of the Protestants, to render them and their proceedings right in their Majesties Opinion, as also to sollicite such Matters as might happen relating to them. Which way of sending Agents hither had been heretofore used, but was done as some affirm, by consent of the Government there. Wherefore to pursue the former method, a Petition was presented to his Excellency by Sir Robert King, and Sir Arthur Rawden, Sir Arthur Langford and Mr. Annesly, and Signed by them on the behalf of themselves and others, which was no more in substance than to pray leave to appoint Agents to attend their Majesties, to which his Excellency (as they declared) delivered this Answer, that they could not have a better Agent than the King himself, who had been Agent for the Protestants for these twenty years, but if they would have leave for any to go over and beg the King pardon for their Riorous and Seditious Meetings, they might have it, or to that effect. This sounded very hard in the Ears both

of the Gentlemen to whom it was said and others, who believed them to be men of Great Value and Integrity. But this was not the end, for there was, as I believe may be proved, a direction to prosecute them upon an Information in the *Kings Bench*, which they were resolved to defend, but it seems it was better considered, and they were let alone.

This of having Agents here, was thought the more necessary, for that the *Papists*, as many affirmed, have Agents to Solicite their Affairs here, and make Collections for them in *Ireland*, & if the *Protestants* had Agents here, it is not like that such Bills would have been sent them without amendment, as some were now Transmitted to the Parliament, with very fair Titles, but rejected for the Bodys of them, As a Bill to confirm the Act of Settlement, which is much wished for, but there were such things therein, that instead of confirming, it would have set things much looser than they were, as many seemed to think, for which it was rejected. And the same fate found a Bill for reverting the proceedings of Attainder, passed when the late King was there, which had been very welcome to many timorous People there, yet was rejected by reason of a Clause in the body thereof. It failed no better with a Bill for punishing Mutineers and Deserters, which probably had passed if it had been as the Act for that purpose here is, but it was to continue for 3 Years, & from thence to the next Session of Parliament, which was so uncertain, and the Clauses relating to the regulating Quarters left out, that chiefly as appeared to me for these reasons it was rejected, and also for that it would have had some days retrospect, before it could have passed, and the Heads of another were ordered to be brought to supply it. And another was a Bill to Erect and Establish the Militia, which the House as appeared to me were very desirous to do for the publick safety, but this as drawn would have brought a burthen on the Subject, as was offered, more then we thought them well able to bear, besides the great penalties and Arbitrary ways of Taxing and raising the Money, and an Obligation thereby to find more Men to serve in some Counties then there were Protestants in such Counties, as some of the Members said. For which among other faults, and for that being a charge on the Subject, and not having the Heads first proposed by the *House of Commons*, that Bill was also rejected, and the Heads of another ordered to be prepared.

Mr. Osborne, and Mr. Brodrick their Majesties two Serjeants at Law were presently after the Prorogation suspended or discharged, and since that have been turned out even of the Commission of the Peace, as I have been credibly informed.

The said Sir *Arthur Rawdon* was superseded or discharged of being Governour of the County of *Down*, and that Command or Government was first offered to the Earl of *Dunblair*, and then to the Earl of *Mount-Alexander* as I have been credibly informed, who both refused it, and I do not hear that to this day any body has accepted thereof.

The Consequence of the said Matters (as I have been credily told) have happened very evil to the Publick, for the Planters are discouraged, and persons who came hither with their Stocks and Money from *Scotland*, and elsewhere, are removed again, and so are others of the Ancient Inhabitants, and so much the Country is like still to lye longer waste and depopulated, while these dissatisfactions continue.

I fear I have been too tedious, which I hope will be excused by your Lordships by the greatness and variety of the Subject, and for what uncorrect Expressions may have escaped me (as I believe there are many) I hope the straitness of time, scarce being able to review or peruse it, will procure my Pardon from your Lordships; but I have endeavoured as near as I can, pursuant to your Lordships Directions, to set forth the Truth, and nothing else to the best of my knowledge, remembrance and belief, and that I hope will always justify it self.

24. March. 1692.

C

JAMES SLONE.

May it please your Lordships,

I humbly pray your Lordships pleasure, whether in the Account your Lordships are pleased to Command from me of the Estate of *Ireland* I may use Names, without which the Account I shall make will not be perfect.

That then I humbly lay at your Lordships feet will chiefly arise from my Observation in the Parliament of *Ireland*, in which I had the honour to be a Member, and one of the Committee of Grievances and Accounts.

Before the Committee of Grievances there was brought so many Complaints of the unequal disposition of Lands, and chiefly against Mr. *Culliford*, that the Committee fearing they should not have time to proceed on greater Grievances of the Nation, made one general Vote, that it was a Grievance and great breach of Trust, for the Commissioners of the Revenue to set forfeited Lands to themselves or any in trust for them, or any employed under them; too many instances of which came before the Committee. I dare not presume on your Lordships time to relate the main grievous Complaints of dispoyled Protestants, turned out of the Farms they were formerly in, and some that had their Lands taken away from them after they had Plowed and Sowed it, and then set to *Irish* for a fifth of what they paid.

Others their Lands seized contrary to Law, their Goods and Cattle taken out of the Country and brought to *Dublin*, that so they might be under an Attachment for Debt in *England*, being asked why they complained not to the Government, gave such reasons I am loath to repeat.

With your Lordships leave, I now come to the Disposition of forfeited Lands; and the Methods pretended for Setting them was very fair, yet the practice was differing from it. Articles was used, that few had liberty of bidding for the Lands they Lived on but by all I could find in the Books and Rent-Role the Greatest part of the Lands were set for private Advantage to Favorites or some concerned in the Revenue, or in trust for others, as the Lord Chief Baron *Heyley*, Judge *London*, several of the best Farms near *Dublin* taken in the name of a Hackney-Coachman, by the best information I could get and make out of the Books and Rent-Role, the Lands were generally set for one fourth of the present Value.

I found by the Books and Rent-Role, that the forfeited Lands were set the first year for 32000 *l.* and this was when only two of the Provinces were intirely under his Majesty's Obedience.

The second Year when the other two Provinces were under his Majesty's Government and intire Peace, then all the forfeited Lands were set for about 10000 *l.* per Annum, and the reason of this being asked, I was answered by some in the Revenue, that it was the Articles of *Limerick* made so great a fall in the forfeitures, but that could not be the Cause for there was much more added to the forfeitures by the surrender of *Galloway* and *Limerick*, which brought in two Provinces, than there was restored, tho' it was said by the Lords Justices Interpretations of the Articles of *Galloway*, There were some put in possession of Lands they had no Right to; this Disposition of the forfeited Lands was so notorious that it put the Committee of Accounts off from any further inquiry, and intended report of the Lands as they must of the forfeited Goods, that they were generally imbeled, in my humble Opinion to the Value of some Hundred thousands of Pounds.

The next thing the Committee of Accounts looked into was the Accounts of forfeit



Goods which was so framed that it would have taken up Months to have brought it in  
to Methods that might be understood. The Account seemed nothing but a trick, neither  
Cheque nor Vouchers, Method nor Form who to Charge, but so loose that every Officer  
employed in them must be examined before a Charge could be made on any one of  
them, but upon the whole I found there was not brought to the Kings Account above  
1800 l. and about 5000 charged for Goods as I remember on the Army that they had taken,  
but I saw not such care taken to charge others that had greater Shares of the Goods,  
so that 135000 l. worth of Goods delivered into the Commissioners Charge, and near as  
much said to be privately disposed of in the Country by the Commissioners of the Revenue  
by private Orders from Mr. Calliford. Of all there appears not 10000 l. brought to their  
Majesties Account.

Yet I must acquaint your Lordships, that there seemed great diligence in the Govern-  
ment to enlarge the Forfeitures, as will appear in an instance I beg your Lordships leave  
to Mention.

There was one *Ivy*, now Knight of the Shire for the County of *Waterford*, This Gentle-  
man upon his flight for *England* from the *Irish* Government, had his Estate and Goods Seiz-  
ed, and upon his return found a Quantity of his Wool in King *James's* Stores in *Water-*  
*ford*, upon which he made application to the Government to have his Wool restored, but  
could obtain nothing but References from one set of Commissioners to another, but at last  
had his final answer, that he must go to the Exchequer, and they told him that he must  
proceed by due Methods of Law, which he did, the Kings Council demurred; and he  
obliged by the Court to joyn or answer. I beg your Lordships pardon if I express it not  
according to the Rules of Law, but so it was upon some nicety in the Law, Judgement was  
given against him, and he lost his Wool. This was set forth in a Petition to the Parlia-  
ment, and put into my hands to move, but there was in our Sessions no Room for Private  
Grievances, our Publick were so many. And therefore the Gentleman was only pitied  
among the Number of afflicted Protestants.

The *Irish* that came in upon the Kings first Proclamation were better used, having the  
right ways to get their Goods, which few of the *English* could do.

The next Inquiry, May it please your Lordships, that the Committe of Accounts made,  
was relating to the Stores, and in the Manage of them, found Mr. *Robinson* to be princi-  
pally concerned. The Stores that were left by *K. James* were said to be great both of  
Provisions and Cloaths, but of all there did appear nothing: the noise indeed was great  
that Mr. *Robinson* had managed the Stores to the Advantage of some body, to the Value  
of 80000 l. but so ingeniously it is managed that I presume nothing Material can be pro-  
ved whilst the Manage of that Kingdom in these things are of a piece. Mr. *Robinson* is be-  
sides his other Employments, one of the Deputies to the Lord *Coningsby* in the Treasury,  
and where he has power in that influences most men of Employment in that Kingdom. One  
Artifice I was told of by a Commissioner of the forfeited Goods, that was used in *Cork*,  
which seemed designed to serve for a pretence in general for the imbezilments of the  
Stores, and that was keeping Corn, Oats I think it was 5 or 6 foot thick till it rotted,  
when at the same time both Soldiers and inhabitants were in extremity, this rotting of  
Corn is thought will be a general Article through the Kingdom, it was said there was  
quantities of Beef, Butter, and other Provisions put for *France*, and that a Ship of Wool  
taken out of the Stores of *Waterford* by Mr. *Robinson* under pretence of being used at the

**Siege of Cork** was disposed by Mr. *Robinson*, and sometime after, a Ship was taken by *Capt. Peder*, Commander of one of their Majesties Ships coming from *B. est* to *Ireland* Laden with *French Goods*, the Captain brought her into *Waterford*, and there received Orders from the Government to deliver her up to the Officers of the Custom House, for the she belonged to *Dublin*, the Captain refusing, threatening Letters came to him, and the he said they had best be quiet, for that he had taken such Letters of their settling a Correspondance in *France* as would do their Business.

The relation of the Ship I had from a Collonel that is at the Door ready to give your Lordships a more full Account as he had it from the Captains own Mouth.

I shall now with your Lordships leave give the Remarks I made on the Manage of the Treasury, which was never before in the hands of the Chief Governour. The former methods were that all Receipts and Payments were transacted by Exchequer Acquittances, and they were entred in several Offices, the last of which was the Pells, where all was entred, and every *Munday* morning the Book brought before the Chief Governour, by which he knew what was in the Treasury, this cannot now be practicable, where most of the Receipts and Payments are by Paper assignments, by which means there is no Checque on the Treasury, nor indeed on the respective Collectors and Receivers, the consequence of which is to be feared has and doth affect the ill payment of the Army, and that ruins the Country, which is the reason of my laying it before your Lordships. There was some motion made in the Parliament of *Ireland* of the hardships the Country lay under by Free-Quarters, but it was unanimously agreed by the House, that there was a necessity for the Army so to do, and that the Country freely gave them the bread out of their Mouths, and the Cloaths from their Backs to support the Army when they had no Pay. But that which grieved the Subject was the irregular and unlimited way of taking their Corn and Cattle from them, by which more was destroyed then eaten, and that brought a Famine in the Country, and the loss of thousands of people. This was complained of to the Lords Justices, and Offers made by the Country, either to pay the Army, or give them such quantities of Provisions as they should need, and so keep the Country in a possibility of supplying both the Army and themselves. But this was rejected, which together with the belief of that there was enough if rightly applyed of Forfeitures and Stores to have maintained the Army without any burthen to the Country, caused hard reflections on the *L. Coningsby*, I speak this not to reflect on his Lordship, for that I never had any concern with his Lordship, but as my Estate lay under the common Calamity of his Government. There was another Grievance much complained of, and that was the giving Protections to *Irish* against just Debts owing to the *English*, to such as were not under the Articles of *Limerick*, when poor destroyed Protestants were left to the *Irish* Suits.

I must now beg leave to lay at your Lordships feet, the present condition of that ever Loyal and obedient City, the City of *Dublin*, of which I have the Honour to be a Member, this City has never till now been denied their right of Choosing Magistrates, which under the Cover of a Clause in the new Rules of Proving, is become an imposition, excluding any choice untill the Man put on them to be chosen, this is the case of the present Mayor now in the second year of his Majoralty. The City at first, according to their ancient Custom chose another, but were rejected; I hope your Lordships will not take me to reflect on the Man, when I say as he was the last of many in turn to be chose, so he was the least in his fortune. There being many of considerable Estates, and known integrity and Loyalty to their Majesties over whose heads he came.

I must

I must further pray your Lordships leave to mind your Lordships that this Gentleman by interest of some it is thought that still promotes him, was recommended by his Majesty when he was to be Treasurer of the City, but his Majesty on the first application graciously recalled his first recommendation, saying he would abridge none of the Privileges of the City but in Election of this Major, they were not so used by the Lords Justices, and as this Imposition was new unto them, so it was unexpected, having so lately received with their Deliverance, Majesties gracious promise that they should enjoy all their Privileges, and so they did by Majesties Command, untill this Command of the Lords Justices. These new Rules were in force in the best days Ireland ever saw under the happy Government of the Duke of Ormonde; his Grace never made use of them for more than they were intended a power in the hands of the Government, to lay aside such as were questionable in their Loyalty, which that City hath never yet been tainted in.

I dare not stay your Lordships longer to enumerate all the oppressions that poor Kingdom is under; but what I have said I humbly affirm will be asserted by thousands in Ireland. All which I humbly pray your Lordships to receive as in truth I intend it, for their Majesties Relief & the relief of their oppressed Subjects in Ireland among whom I am one. *F. Brewster.*  
*Obedience to an Order of the Lords Spiritual and Temporal, assembled in Parliament, the 28 Feb. 1692. I Sir Will. Gore of Donnegale in the County of Donnegal and Kingdom of Ireland Baronet do hereby humbly certify.*

That a part of their Majesties Forces had free Quarters in the County of Donnegal, & other Counties in the Kingdom of Ireland, during the late War, and sometimes after, upon their Majesties Protestant Subjects, and took much of their Goods for which they did not make satisfaction, and that when I demanded Satisfaction of some of the Officers of Colonel Tyffins Regiment and others who quartered longest there, they did assure me their pay was stopped to satisfy the said Quarters, and what was taken from the Inhabitants by their Men, that about 1500 Irish Officers and Soldiers, most of them Armed, under the Command of Captain O'Donnell (as they stiled him) were quartered for the most part on the Protestant Inhabitants of the County of Donnegal, with a great rabble of Wives, Children and other dependents, for a considerable part of the Winter Anno 1691. during which time their Officers took Cattle by force from the Country people, and particularly from James Hammond, and Hugh Anderson, who live near the Town of Donnegal, by which they and many others were extreamly impoverished, that the said Quarters were not satisfied, or Cattle paid for when I left that County, which was about 4 Months ago, nor can I hear that they have been paid for since, that the said Officers and Soldiers were extream insolent during their being quartered as aforesaid, demanding of me the Abby of Donnegal to say Mass in, and causing their Priest to say Mass publicly in the Town and next house to the Castle of Donnegal, who being rebuked for it he was King Williams Chaplain, as being Chaplain to one of Brigadier O'Donnells Regiments it was in the Kings pay, as I was informed by those that spoke to him on this occasion, They were extreamly importunate for liberty to Quarter their Women.

That the method of disarming them was thus, They were warned to appear & bring in their Arms on a certain day to the Governor of the County, that they knew they were to be disarmed, some of their Officers having told me so, by which means they brought in a most considerable number of unfixed Arms, and kept the best which I believe they have still, that I presented the Governor of the County to clap up one of the Officers that I knew had a great number of Muskets, and did not deliver them, but he excused himself for want of Orders.

That I have been lately informed by Letters, that the Kings Rent which is a Chiefrent payable out of most Estates into the Exchequer of Ireland, are demanded from the most Estates in the County and elsewhere, which may keep waste, none daring to Plant them for fear of being dispossessed; That I have received but four Pound since the year 1688. Out of an Estate that pays at 66 l. Yearly into the Exchequer, that by the present Collecting the said Rents many Estates



may be ruined, & run more & more in Arrears, except their Majesties will be pleased to for-  
till the wisdom of a Parliament there, may take such course in it as may be to their satisfac-  
All which I most humbly certify as truth having been a Spectator of most of the things h-  
in mentioned, as witness my hand this 1st of March 1692. Will. C

*Die Jovis 2. Martij 1692.*  
**I**N Obedience to your Lordships Commands, to give my Reasons why I did not mention  
which was given to me for Reasons why those persons that were aggrieved by the Gov-  
ment in Ireland did not complain to the Lords Justices, was this, That they observed and  
believe nothing was done by the Commissioners of the Revenue but what was agreeable to t  
Majesties pleasure.

In obedience to your Lordships further Commands, to explain who I mean by saying it  
thought Mr. Robinson had disposed of the Stores, to the Value of 8000 l. for the use of  
Body, I mean my Lord Coningsby and himself.

Your Lordships are further pleased to command me to name who told me that it was  
purpose to complain to the Government of any Grievance, and that they should be treated  
Enemies if they did, was Mr. Joy in the case of his Wool, Mr. Henry Davies in that of the  
Panns set to Judge Linden, and by Mr. Cocker in that of the Imbezlement of the Forfe  
Goods and Stores, He further adding that he had a small Employment which he believe  
should have lost if he had appeared in any such thing.

Mr. Edward Haines a Sheriffs Peer, and one of the Common Council of the City of Dub-  
told me, that tho he and several others had a desire to complain of the Grievance in deny-  
the City their Right of Electing their Lord Major, they durst not do it, for that the Lords  
stices looked upon any that complained as Enemies, and that he was Indicted by the Lord  
jors order at their own Quarter Sessions, for appearing in the right of the City, tho the  
tence was for Words he spake, and the Lord Major being not able to prevail with the Gr  
Jury to find the Bills he was Indicted at the Kings Bench, and that he had heard they wo  
Ruine him. There was Mr. Flood and several others that made Complaints of the like Nature

*Fran. Brewster*

*One of the Earl of Mulgraves Speeches in Parliament about the Bill Entitled An Act for the f-  
dom of Elections and more impartial Proceedings in Parliament, passed in the House of C  
mons and sent up to the Lords, in the Winter Sessions of Parliament, Anno 1692. as it was  
in short hand.*

*My Lords,*

**T**his Debate is of so very great consequence, that I resolved to be silent, and rather  
advised by the ability of others; then to show my own want of it. Besides it is of so  
a Nature, that I who speak always unpremeditatedly, apprehend extreaimly, saying any t  
which may be thought the least reflecting, tho even that ought not to restrain a man here f  
doing ones duty to the publick in a Business where it seems to be so highly concerned.

I have always heard, I have always read that Foreign Nations and all this part of the w  
have admired and envied the Constitution of this Government. For not to speak of the K  
Power, here is a House of Lords to advise him on all important Occasions about Peace or V  
about all things that may concern the Nation, the care of which is very much intrusted to  
Lordships. But yet because your Lordships cannot be so conversant with the generality o  
People, nor so constantly in the Country as is necessary for that purpose, here is a Hou  
Commons also chosen by the very people themselves, newly come from among them, or sh  
be so, to represent all their Grievances, to expresse the true mind of the Nation, and to dis  
of their Money, at least so far as to begin all Bills of that nature; & if I am not mistaken the  
writ for Election sent down to the Sheriffs does empower them to chuse, what their Represent

Now my Lords, I beseech you to consider the meaning of that word Representative. Is  
do any thing contrary to their mind? it would be absurd to suppose it; and yet how can

otherwise, if they, after being chosen, change their dependency, ingage themselves in Employments plainly inconsistent with that great trust reposed in them: and that I will take the liberty to demonstrate to your Lordships they now do, at least according to my humble opinion.

I will instance first, in the least and lowest incapacity they must be under who so takes employments.

Your Lordships all know but too well what a general carelessness there appears every day, more and more in the publick Business; if so, how is it likely that men should be as diligent in their Duty in Parliament as that Business requires, where employments, and a great deal of other business shall take up both their minds and their time.

But then in some cases 'tis worse, as in Commands of the Army and other Employments of that kind, when they must have a divided Duty: for it does admirably become an Officer to sit Voting away Money in a House of Commons, while his Soldiers are perhaps taking it away at their Quarters for want of his presence to restrain them, and of better Discipline among them. Nay perhaps his Troop or Regiment may be in some Action abroad, and he must either have the shame of being absent from them at such a time, or from that House where he is intrusted with our Liberties.

To this I have heard but one Objection by a noble Lord, that if this Act should pass, the King is not allowed to make a Captain a Colonel, without disabling him to sit in Parliament.

Truly if a Captain has only deserved to be advanced for exposing himself in Parliament, I think the Nation would have no great loss in the Kings letting alone such a Preferment.

But my Lords, there is another sort of incapacity yet worse than this, I mean that of Parliament Mens having such Places in the Exchequer, as the very profit of them depends on the Money given to the King in Parliament.

Would any of your Lordships send and intrust a Man to make a Bargain for you, whose very interest shall be to make you give as much as he can possibly?

It puts me in mind of a Farce, where an Actor holds a Dialogue with himself speaking first in one Tone, and then answering himself in another.

Really my Lords this is no Farce, for tis no laughing matter to undo a Nation: but tis altogether as unnatural for a Member of Parliament to ask first in the Kings name for such a sort of supply, give an Account from him of how much is needful towards the paying such an Army or such a Fleet, and then immediately give, by his ready Vote, what he had before asked by his Masters order.

Besides my Lords, there is such a necessity now for long sitting of Parliaments, and the very Priviledges belonging to Members are of so great extent, that it would be a little hard to find unequal to other Gentlemen, they should have all the places also.

All the Objections that have been made may be reduced to these:

First, tis told us, that tis a disrespect to the King, that his Servants or Officers should be excluded.

To this I desire it may be considered, that tis in this case, as when a Tenant sends up any bond to treat for him: would any of your Lordships think it a disrespect, nay would the King himself think it any, if the Tenant would not wholly refer himself to one of your own Servants, or Viceroy to the Kings Commissioners in the case of the Crown? And if he chuses rather some plain to himself friend of his own to supply his absence here, will any man blame such a Proceeding, or think it unmannerly?

Besides your Lordships know this Act admits them to be chosen, notwithstanding their employments, provided the Electors know it first, and are not deceived in their choice.

All we would prevent is that a good rich Corporation should not chuse to Intrust with all their Libertys a plain honest Country Neighbour, and find him within six Months, changed into a prefer'd cunning Courtier, who shall ty'd them to their Choice, tho he is no more the same Man, than if he were turned Papist, which by the Law as it stands already, puts an incapacity upon him.

And

Another Objection is, that this Act, may by its Consequence, prolong this Parliament which they allow would be a very great Grievance, and yet suppose the King capable of putting it upon us, which I have too much Respect for him to admit of; tho' I am glad however that tis objected by Privy Counsellors in favour, who consequently I hope will never advise thing which they now exclaim against as so great a Grievance.

But pray my Lords what should tempt the King to so ill a policy? Can he fear a freedom of Choice in a people, to whose good will he owes all his Power, which these Lords suppose he may use to their Prejudice?

And therefore give me leave to say, as I must not suspect him of so ill a Design as the Perpetuating this Parliament, so he cannot, he ought not to suspect a Nation so intirely, I was going to say, so fondly Devoted to him.

My Lords, O. Brian is reader then my self to allow that we owe the Crown all submission as to the time of calling Parliaments according to Law, and appointing also where they shall sit, but with reverence be it spoken, the King owes the Nation an intire freedom in Choosing their Representatives, and it is no less his Duty to God then his true interest, that such a free and just proceeding should be used towards us.

Consider my Lords of what mighty consequence it may be, that so many Votes should be free, when upon one single one may depend the whole security or loss of this Nation. By one single Vote such things may happen, that I almost tremble to think on. By one single Vote a GENERAL EXCISE may be granted and then we are all lost. By one single Vote the Crown may be empowered to name all the Commissioners for raising the Taxes, and then surely we should be in a fair way towards it.

Nay whatever has happened may again be apprehended; and I hope those reverend Prelates will reflect, that if they grow once odious to a prevalent Party, one single Voice may be as dangerous to that Bench, as a general dissatisfaction among the People proved to be once in a late Experience which I am far from saying by way of threatening, but only by way of caution.

My Lords, WE may think because this concerns not the house of Lords, that we need not be so over careful of this Matter, but there are Noblemen in France, at least such as were so before they were enslaved, who that they might domineer over others, and serve a present turn persons, let all things alone so long till the people were quite mastered, and the Nobility themselves too, to bear them company.

So that I never met a French man, even of the greatest rank (and some had 10000 Pistols a year in employments) that did not envy us here for our freedom from that which they groan under: and this I have observed universally, except just Monsieur de Louvois, Mon. Colbert, or such People, because they were the Ministers themselves who occasioned these Complaints, and thrived by the Oppression of others.

My Lords, This Country of ours is very apt to be provoked, we have had a late experience of it, and tho' no wise man, but would bear a great deal rather then make a buckle; yet really the people are otherwise, and will at any time change a present uneasiness, for any other condition, tho' a worse; we have known it so too often, and sometimes repeated in too late.

Let them not have this new Provocation in being debarred from any Security in their Representatives for malicious People will not fail to insinuate into their minds that all those vast sums, which have been and still must be raised towards this War, are not disposed away in so fair a manner as ought to be; and I am afraid they will say their money is not given but taken.

However whatever success this Bill may have with your Lordships, there must needs come some good Effect of it: for if it passes it will give us security; if it be obstructed it will give us warning. I humbly move your Lordships that the Bill may be committed.

After which it being put to the question whether the bill should be rejected or committed, it was carried for the bill by 14 Votes, there being only 32 against it, and 47 for it, amongst which latter were 5 Bishops; but it was so late, that many of the last refused to stay, and so it was deferred to a further day, by which time so many Proxies were obtained, as threw out the Bill as nine a Clock at night by 2 Votes.

Note, The occasion of all this was their having been several other Prisoners as well as these Lords brought to the Kings Bench, here was an Affidavit of Aaron Smith drawn privately at somebodys Chamber so equivocally that instead of the word Witnesses, according to the Statute, he only swore there was Evidence against each Prisoner, and at the end of it, instead of Witnesses against each Prisoner, the Affidavit only mentioned Witnesses against the Prisoners, by all which he saved himself from being sworn, so preventing any punishment, from being prosecuted by the Prisoners and his Affidavit served for no purpose, tho' but an ill one for the Judges to remand the Prisoners back, they supposing there were witnesses against each of the Prisoners. Note also, While this was under examination, the Judges feared plainly they had not doubted of the Equivocation, but hoped it was sufficient to warrant, or at least to excuse their Proceedings, which perhaps had never thus luckily come to light, if Peters had not been concerned to bring it into their House by the order of which entred in their Books the subjects of all Ranks are better secured ever after. These Notes should have been inserted after the 17 day of Sep. 1692.

Note, That Proceedence is not observed in the House of Lords, when they Sign Protections. As that draw them up Sign first, and then deliver as they come to the Books.



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